

## Remarks

### **1. Summary of the Office Action**

In the office action mailed May 18, 2007, the Examiner objected to claims 1-6, 11 and 16 for various informalities, and the Examiner rejected claim 21 under 35 U.S.C. § 112 as allegedly lacking antecedent basis. In addition, the Examiner rejected claims 1-27 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application No. 2003/0119536 (Hutchinson).

### **2. Status of the Claims**

Applicant has amended claim 6 to include the subject matter of claim 12, which depended from claim 6, and Applicant has cancelled claim 12. Similarly, Applicant has amended claim 22 to include the subject matter of claim 24, which depended from claim 22, and Applicant has canceled claim 24. Applicant has also amended claims 13, 14, 25, and 26 to change their dependencies in view of these amendments.

Further, Applicant has cancelled claims 1-5 and 19-21 without prejudice. And Applicant has amended claim 27 to more particularly point out and distinctly claim the subject matter that Applicant regards as the invention. This amendment is supported by the specification, for instance at page 19, line 7 – page 20, line 6.

In addition, Applicant has added new claims 28, 29, and 30, depending respectively from claims 6, 16, and 22, to recite more specifically that the second media stream or incoming media stream comprise a Real-time Transport Protocol (RTP) stream. This subject matter is supported by the specification, for instance at page 10, lines 1-3.

Now pending are claims 6-11, 13-18, 22-23, and 25-230, of which claims 6, 16, 22, and 27 are independent and the remainder are dependent.

### **3. Response to Claim Objections**

The Examiner objected to claims 1-6, 11 and 16 on grounds that the claims did not include the term "packet-based" before the term "real-time media session" following the first such recitation. Applicant has amended claims 6, 11, and 16 to add the term "packet-based" as requested by the Examiner, although Applicant submits that this change does not affect the scope of the claims, as the meaning of the claims as filed was clear.

The Examiner also objected to claim 6, on grounds that the claim stated "a given user one of the user stations" rather than "a given one of the user stations". Applicant has corrected this typographical error so that the claim language reads as the Examiner noted it should have read.

### **4. Response to § 112 Rejection**

The Examiner next rejected claim 21 on grounds of alleged lack of antecedent basis. Applicant has cancelled claim 21. Therefore, this rejection is moot.

### **5. Response to § 102 Rejections**

As noted above, the Examiner next rejected claims 1-27 as being allegedly anticipated by Hutchinson.

#### **a. Claims 6-11, 13-18, 22-23 and 25-26, and 28-30**

Of these claims, claims 6, 16, and 22 are independent. Each of these claims recites, among other elements, the function of treating an incoming media stream as an implicit denial of a floor request. For example, claim 6 recites an implicit floor control method in which a user station sends a first media stream to a communication server as an implicit floor request, begins to receive a second media stream from the communication server while sending the first media stream to the communication server, and treats receipt of the second media stream as an implicit denial of the implicit floor request. Claim 16 recites an implicit floor control method in which a

user station receives a user request for the floor while the user station is receiving an incoming media stream from the communication server, and the user station treats its receipt of the incoming media stream from the communication server as an implicit denial of the user's request for the floor. (In this regard, Applicant does not acquiesce in the Examiner's assertion that the "wherein" clause of claim 16 is not a claim limitation.) And claim 22 recites a cellular mobile station that includes a processor programmed to send a first media stream as an implicit floor request to a communication server and to treat receipt of a second media stream from the communication server, while sending the first media stream to the communication server, as an implicit floor denial.

Applicant submits that the rejection of these claims as being anticipated by Hutchinson is improper and should be withdrawn, because Hutchinson fails to teach implicit denial of a floor request.

Hutchinson discloses an arbitrated communications system in which a user transmits to an arbitration controller a request for access and audio representing a desired audio communication. *See* Hutchinson, at paragraph 0019. According to Hutchinson, the user does not wait for an indication that an access request has been granted, because audio is transmitted following or integrated with the access request. *Id.* at paragraph 0019. However, Hutchinson discloses that if the access request is denied, "the arbitration controller sends an unfavorable acknowledgement to WCD 2." *Id.* at paragraph 0037. The "unfavorable acknowledgement" of Hutchinson seems to be a particular denial message. *Id.* at paragraph 0032 (describing sending of a denial or grant of the request to the user's device). While Hutchinson clearly teaches sending of audio as a floor request (*id.* at paragraph 0059), Hutchinson never suggests anything about receiving audio as a floor denial. More particularly, Hutchinson fails to teach treating an

incoming media stream as an implicit floor denial as recited in Applicant's claims, since Hutchinson seems to instead teach transmission of a particular direct denial message in the form of an unfavorable acknowledgement.

Because Hutchinson fails to disclose treating an incoming media stream as an implicit denial of a floor request as recited in claims 6, 16, and 22, Hutchinson fails to anticipate claims 6, 16, and 22. Accordingly, Applicant submits that claims 6, 16, and 22 are allowable. Further, Applicant submits that dependent claims 7-11, 13-15, 17-18, 23, 25-26, and 28-30 are allowable for at least the reason that they depend from the allowable independent claims.

Furthermore, claims 28-30 further distinguish over Hutchinson by more specifically reciting that the received second media stream or incoming media stream that is treated as a floor denial comprises an RTP stream. Although RTP streams are known in the industry, Hutchinson fails to teach treating receipt of such a stream as an implicit floor denial. Thus, for this reason as well, Applicant submits that claims 28-30 are allowable.

**b. Claim 27**

Claim 27, as amended, recites an implicit floor control method for a full-duplex packet-based real-time media session in which a plurality of user stations exchange media via a communication server. According to the claim, the communication server grants levels of floor to two or more user stations in response to receipt of media streams from the user stations and based on an order in which the communication server begins to receive the media streams from the user stations. The claim then explains that granting levels of floor to two or more user stations comprises granting a highest floor level to a first user station from which the communication server receives a media stream and granting a next floor level to a next station

from which the communication server receives a media stream when the first user station currently holds the highest floor level.

An example of this method is described in the specification at pages 19-20, explaining for instance that "the server could even be arranged to grant levels of floor to various participants in a full-duplex session. For example, the server could output most loudly the media from a station with a highest floor level, and the server could incrementally attenuate the media that it outputs from each other participating station having a successively lower floor level."

Applicant submits that claim 27 patentably distinguishes over Hutchinson and is therefore allowable.

At best, Hutchinson teaches the concept of granting "broadcast priority" (i.e., floor) to a single device at a time, and broadcasting to each other device the audio from a device to which broadcast priority is granted. *Id.* at paragraph 0034. In this regard, Hutchinson discloses possible use of a priority table that may indicate whether or not to grant broadcast priority to a given device. *Id.* at paragraph 0054. However, the issue in Hutchinson is still merely whether to grant or deny a given device's request for the floor. Hutchinson fails to disclose anything about having or granting levels of floor, and Hutchinson specifically fails to disclose the method of claim 27.

Because Hutchinson does not disclose the invention recited by claim 27, Hutchinson does not anticipate claim 27. Therefore, Applicant submits that claim 27 is allowable.

**6. Conclusion**

In view of the foregoing, the Applicant submits that all of the pending claims are allowable, and Application therefore respectfully requests reconsideration and allowance of the claims.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

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